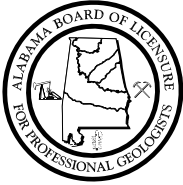


THE ALABAMA GEOLOGIST

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ABLPG BOARD MEMBERS

J. Mark Tanner, Chair
TTL, Inc.

3516 Greensboro Avenue
Tuscaloosa, AL 35401
Office: 205-345-0816
Email: mtanner@ttlinc.com

Robert B. Carr, III, Vice-Chair
Coal Carr, Inc.

1901 Morgan Road, SE
Bessemer, AL 35022
Office: 205-424-1381
Email: coalcarr@bham.rr.com

Dorothy Malaier, Secretary/Treasurer
ADEM

Post Office Box 301463
Montgomery, AL 36130
Office: 334-270-5613
Email: dsm@adem.state.al.us

Thomas (Tom) E. Bruner

Black Warrior Geologies
Post Office Box 3119
Tuscaloosa, AL 35403
Office: 205-790-5800
Email: TJBruner@mindspring.com

Dr. David T. King, Jr.

Department of Geology and
Geography
Auburn University
Auburn, AL 36849-5305
Office: 334-844-4882
Email: kingdat@auburn.edu

Markel R. Wyatt

Regions Morgan Keegan Trust
Regions Bank
Sr. Vice President & Geologist
Natural Resources & Real Estate
P.O. Box 1628
Mobile, AL 36633-1628
Office: 251-690-1346
Email: mark.wyatt@regions.com

Dr. Berry (Nick) Hearn Tew, Jr.

State Geologist & Oil & Gas Supervisor
663 High Field Road
Tuscaloosa, AL 35405
Office: 205-247-3679
Email: ntew@gsa.state.al.us

Keith E. Warren, Executive Secretary

610 S. McDonough Street
Montgomery, AL 36104
Office: 334-269-9990, ext. 212
Fax: 334-263-6115
Email: keith@warrenandco.com or
ALGEOBD@aol.com

Governor's Proclamation



A group photo showing about 40 scientists from 10 countries who attended the recent Wetumpka Field Forum. During the field forum, March 4–10, 2007 was proclaimed by Governor Bob Riley as Wetumpka Impact Crater Week. In 2002, Dr. David King, field forum leader, and his associates discovered proof that a cosmic impact occurred about 83 million years ago in the vicinity of present day Wetumpka, AL. The crater is about 5 miles in diameter.

Want to know more? Visit the city of Wetumpka web page at <http://wetumpka.al.us/Default.asp?ID=207&pg=Wetumpka+Impact+Crater>

ASBOG Exam as Geology Exit Exam?

Wow, what a great idea! All students graduating with a major in geology who plan to practice geology in Alabama and/or surrounding states have to pass the ASBOG Fundamentals Exam to become a Geologist in Training (GIT). Therefore, it just makes good sense for students to take this examination as soon as a practicable following graduation, or better yet, prior to college graduation while the basic geologic information is still very fresh in students' minds. As a GIT, geologists begin their careers under the mentoring of a Licensed Professional Geologist. After obtaining five years of experience working with an experienced mentor, the GIT is qualified to take the ASBOG Practical Exam. Upon passing this exam and approval of an application for licensing by the board, the GIT becomes a licensed Professional Geologist (PG) with all the rights, privileges and responsibilities granted to a PG.

Your Board Chairman, Mark Tanner and I have visited with the chairmen, professors and some geology students at the University of Alabama and at Auburn University. We presented information regarding the ASBOG Examination and answered the university's questions. It is up to the individual college to implement the testing in conjunction with ASBOG. It is also each university's choice as to whether passing the ASBOG Exam becomes a requirement for graduation. Corporate sponsorships to assist with the costs involved could be forthcoming. Future visits to the other colleges granting degrees in geology are being planned. Your Board feels that this approach to using the ASBOG Exam as a geology exit exam would be good for our young geologists and for the future of our profession.

Robert B. Carr, III
Vice-Chair, PG 18

Reese E. Mallette, Jr.

In Memoriam by Thornton L. Neathery

Reese Ewell Mallette, Jr., mining engineer, geologist and surveyor, died May 6, 2007 in Birmingham, Alabama. He was born in

Atlanta, Georgia on October 29, 1931, son of the late Nell Burdick Mallette and Reese E. Mallette of Birmingham and grew up in Birmingham where he attended Phillips High School. He graduated from the University of Alabama, School of Mines in 1954 and received an M.A.

degree in Economic Geology from Harvard University in 1960. Reese served as a Lieutenant in the U. S. Army Corps of Engineers before entering professional life as a mining engineer with Gates Engineering in West Virginia. He worked for ABC Coal Company in Birmingham until 1966 when he opened his own consulting firm, Reese E. Mallette Associates, Inc., a mining, engineering and consulting geology firm. Reese was a registered engineer in Alabama, Tennessee, Mississippi, Georgia, and Kentucky and



a licensed geologist. He was a member of several professional societies including Society of Mining Engineers and the Alabama Geological Society and

was also a member of the Tau Beta Phi Engineering honorary fraternity and recognized by the University of Alabama, College of Engineering as a Distinguished Engineering Fellow in 1988. In 2007, Reese was commended by the Legislature of Alabama for his professional contributions in engineering, surveying and geology.

Reese was a professional in every sense of the word. He strived for excellence in all aspects of his professional interest and demanded no less from his associates and employees. His passing will leave a void in the engineering and geologic professions of Alabama that will not be easily filled. Those who knew him and worked with him will always be gratefully indebted to him for his guidance and wisdom. He was always a gentleman to those he knew and a scholar of the profession.

Congratulations to our newest PGs!

Eric Clinton Reardon

Wilsonville, AL, PG License #1179

David Knox Huff

Athens, GA, PG License #1180

Brian K. Fowler

Gilford, NH, PG License #1181

Pamela J.W. Jackson

Tallahassee, FL, PG License #1182

Mary C. Stacy

Silver Creek, GA, PG License #1183

Eric T. Mosley

Gladstone, MO, PG License #1184

Alistair Macdonald

New Boston, NH, PG License #1185

David A. Brackett

LaGrange, GA, PG License #1186

Charles M. McNulty

Knoxville, TN, PG License #1187

Mike W. Mills

Andalusia, AL, PG License #1188

Michael A. Noone

Madison, MS, PG License #1189

Merlin D. Russell, Jr.

Tallahassee, FL, PG License #1190

Greg Seifert

Cypress, TX, PG License #1191

Jeffery James Tarr

Knoxville, TN, PG License #1192

Kevin Wheeler

Moorestown, NJ, PG License #1193

Samuel Vinson

Bowling Green, KY, PG License #1194

Robert York

Bowdon, GA, PG License #1195

SEALS

Do you have a seal? Each Licensed Professional Geologist who receives a license should obtain a seal authorized by the Board which bears the name of the licensee and their license number. A licensed professional geologist shall approve, sign, and affix his or her seal to all drawings, reports, or other geologic papers, or documents involving the public practice of geology which have been prepared by the licensed professional geologist or a subordinate under the direction of the licensed professional geologist for use by, or delivery to, any person or for public record within the State of Alabama.

Don't have a seal? A rubber stamp identical in size, design, and content with the approved seals may be used by the licensee at his/her option.

Do you submit documents to agencies such as ADECA, ALDOT or ADEM? Then you may be (and likely are) publicly practicing geology and documents that you submit should bear your signature and seal.

What if the agencies' rules don't specifically require a seal? The agency regulations

may not specifically require a seal, but the Professional Geologist regulations do require the sealing of certain documents. Chapter 334-x-11 includes the regulations regarding the use of a seal in the State of Alabama.



The professional geologist shall be personally and professionally responsible and accountable for the care, custody, control and use of his/her professional geologist seal, his/her professional signature and identification. Should your seal be lost or stolen, upon discovery of its loss, report the loss to the Board. The Board may invalidate the stolen registration number and seal and if necessary, issue another registration number.

Renewing your license? The continuing education reporting form requires that a stamp or seal of the professional geologist be applied to the report form.

Don't have a seal or stamp? Order forms for obtaining a seal or stamp are located on the Board's website. The current cost for ordering a seal or stamp is \$50.00.

From the Executive Director

The Alabama Legislature has entrusted the Alabama Board of Licensure for Professional Geologists with the responsibility of “ensur[ing] that only persons who are registered and licensed pursuant to this chapter shall publicly practice, offer, or attempt to publicly practice geology or any specialty thereof, claim any specialty in a geology as a professional, business, or commercial identification, title, name, representation, or claim, or otherwise hold themselves out to the public as being qualified to practice geology or any of its specialties”, as described in Section 34-41-2 (b), Code of Alabama (1975). Accordingly, the Legislature empowered the Board to suspend or revoke licenses issued by the Board, deny initial or renewal license to applicants and/or impose penalties on licensees who violate any provision of the Professional Geologists Act or on unlicensed individuals performing any of the acts of a professional geologist or creating the mistaken impression that they are properly licensed or engaged in the profession. An individual who allegedly violates any provision of the Act is entitled to a hearing before the Board pursuant to the procedures outlined under the Alabama Administrative Procedure Act, found in Sections 41-22-1 et seq., Code of Alabama (1975). In general, from start to finish, disciplinary actions proceed in the following manner.

Before the Board can initiate any disciplinary proceeding, a signed, written complaint must be filed with the Board – anonymous complaints are not accepted because every individual has a due process right to face his/her accuser, and a professional license is a property right that must be safeguarded by the Board. Anyone may file a written complaint, including a Board member or another licensee. The Executive Secretary reviews each complaint and assigns it to the Board’s investigator or his designee, who conducts an investigation as directed by the Executive Secretary, and on some occasions as directed by the Board’s counsel. The investigation often includes, but is not limited to, inter-

views with the complainant, the respondent (that individual against whom the allegations have been directed), and other individuals as necessary. Upon completion of his investigation, the investigator files an investigative report with the Board office, which is reviewed by the Executive Secretary and Board counsel in order to make a preliminary determination as to whether there is sufficient evidence to support an allegation that a violation has occurred.

If the Executive Secretary and counsel require the assistance of a Board member having expertise in the practice of geology to aid in the determination as to whether a violation has occurred, the Executive Secretary will generally appoint a Board member representing the type of geology with which the complaint is affiliated.

If for some reason there is a potential conflict of interest concerning that particular Board member, that is, if that member has a personal relationship with the accused or has information or reasons as to why he or she should not be involved with the investigation, the Secretary will appoint another Board member to serve on that committee.

If the evidence does not support an allegation of wrongdoing, or if the complaint is otherwise resolved between the parties to the complaint, the matter will be dismissed, and the Board will take no further action. The Board notifies all complainants in

writing if their complaints are closed or resolved and the Board cannot take any further action on the complaint.

In those instances in which the investigative committee believes that there is sufficient evidence to substantiate that a violation of the Board’s laws, rules, and/or regulations has occurred, the Board will enumerate those charges and the essential facts and circumstances surrounding those charges in a letter to the respondent, entitled a Notice of Hearing. The Notice also apprises the respondent of the date and time set for hearing before the Board and is accompanied by an explanation of the respondent’s rights in the disciplinary process and a proposed Consent Order, which offers the respondent a settlement with the Board in lieu of a formal hearing upon mutually acceptable terms and conditions. The respondent may accept the Board’s offer of settlement and sign the Consent Order, which resolves the complaint, or he/she may refuse to sign it and proceed to a hearing. Consent Orders can include any provision that is acceptable to both parties, including requiring the respondent to pay a fine, seek remedial training, be placed on probation or suspended, or even voluntarily surrender his/her license. Consent Orders are public record. In the event that the respondent violates any terms or conditions of the Consent Order or any other provisions of the law, the Board may bring a new disciplinary action against the

CONGRATULATIONS TO THOSE THAT PASSED THE ASBOG EXAM!

FUNDAMENTALS OF GEOLOGY

- Kyle J. Carlton
- Brandon Coates
- Melissa Mae Montgomery
- Thomas Powers
- Jeffrey S. Richardson
- William Smith

PRACTICE OF GEOLOGY

- Griffin Lawrence Gatschet
- Thomas Powers
- John Pugh
- William Smith
- Eric Reardon

respondent for those purported violations.

Hearings are held in the Board office at regularly scheduled, public meetings. An administrative law judge (ALJ) presides over the hearings and makes evidentiary rulings during the course of the proceedings, and all testimony is taken under oath and on the record by a court reporter. If the respondent fails to appear without first notifying the Board that he/she will be unable to be present and his/her reasons therefore, the hearing may proceed in his/her absence. The complainant is also required to appear at this hearing and provide testimony regarding his/her original, written complaint. The Board's counsel acts as the prosecuting attorney on behalf of the Board, and the Board members sit to consider all of the testimony presented. Every respondent has the right to be represented by an attorney and to examine and cross-examine witnesses. At the conclusion of the hearing, the ALJ will take the matter under advisement and prepare a recommendation as to the proposed findings, any disciplinary action that should be taken, or a finding that the respondent is not guilty of the violations with which he/she has been charged. The Board may then adopt the ALJ's recommendation as its final order, modify it, or reject it in its entirety. An affirmative vote of a majority of the Board's members is required to revoke or suspend a license. Board members who serve on the investigative committee for a particular matter are not allowed to participate in either the deliberations or the final vote concerning that matter, and any other Board members who have conflicts due to a personal interest in or knowledge of the subject matter involved are also precluded from participating in the Board's discussions or its final vote.

The respondent receives a copy of the Board's final order by personal service or certified mail. Should he/she wish to appeal, the respondent may file an appeal with the circuit court of Montgomery County within thirty days of the date of the final order and must post a \$200 appeal bond with



the clerk of the circuit court. Except for rare instances, the appeal is confined to a review of the record, and there is not a new trial or proceeding. The Board's final order is also a public document, and the Board may publish the findings contained in its final and consent orders in a legal notice in a newspaper of general circulation, in its newsletter, and/or on the Board's website. Disciplinary actions against licensees are also reported to licensing boards in other states and to national, accrediting agencies and may result in disciplinary action against the licensee in other states if he/she fails to report that any disciplinary action has been taken against him/her in any state. Disciplinary actions may even affect a

Board's ability to provide reciprocal licensure to an individual who has been the subject of a disciplinary action or proceeding in another state.

Disciplinary actions are serious matters that may directly affect an individual's ability to practice his chosen profession and earn a livelihood. Should you ever have any questions regarding the legality of any aspect of the practice of geology, please feel free to call the Board office or consult with an attorney of your own choosing. Thank you in advance for your continued observance of the laws, rules, and regulations regarding practice of your profession in the State of Alabama.

Upcoming Opportunities for Continuing Education

Workshop Sponsored by the Center for Sedimentary Basin Studies

The Center for Sedimentary Basin Studies (CSBS) will hold a workshop on reservoir characterization on Thursday, June 7, 2007. The workshop is titled "Carbonate Reservoir Characterization: Case Study of Womack Hill Field, Southwest Alabama" and will be held in Tuscaloosa in room 101 of the Beville Building on the University of Alabama campus from 8:30 AM – 12:30 PM. Admission is free. Attendance at the workshop will allow for up to 4 hours of continuing education. Those planning to attend should contact Bennett Bearden, Director of the PTTC-EGR in the CSBS (205-348-1880, bbearden@geo.ua.edu) by May 31, 2007.

Audits of Continuing Education

As licensees should be aware by now, the Board continues to randomly audit approximately 5 to 10 percent of applications received for renewal on an annual basis for documentation of continuing education. Generally, most sub-

mittals provide sufficient documentation to allow the Board to complete its review. Occasionally, however, submittals lack the required documentation. Generally, insufficiencies result from a lack of documentation of the number of hours provided in the material furnished to the Board and/or an insufficient description of the training. In such cases, the Board will submit a letter to the licensee requesting that the licensee submit additional documentation. For a good description of the process that should be followed in submittal of documentation for continuing education, please see the front page article of the winter 2005 newsletter by Dr. David King titled "2005 Continuing Education Guidelines and Reporting Form". This newsletter is posted on the Board's website. It is in each licensee's interest to keep documentation of attendance at the continuing education functions attended by the licensee so that if and/or when an audit is conducted, the licensee will be able to easily provide the backup material.



ASBOG Test to be administered

The next ASBOG test will be administered on Friday, September 28, 2007, in Montgomery Alabama at the Holiday Inn East. Those geologists wishing to take either the Fundamentals of Geology or the Practice of Geology should apply for the test by Friday, August 3, 2007, in order to qualify for the examination.

2007 Geology Board Calendar

Note: All Board meetings are held at the Board office, and begin at 10:00 a.m.

June 28, 2007	Board Meeting	(Thursday – 10:00 a.m.)
September 28, 2007	ASBOG Exam	(Friday – 8:00 a.m.) Deadline is July 9, 2007
October 18, 2007	Board Meeting	(Thursday – 10:00 a.m.)



The Alabama Geologist is a publication of
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610 South McDonough Street
Montgomery, AL 36104
Phone: 334.269.9990
Fax: 334.263.6115
Email: ALGEOBD@aol.com

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